



A C T, Concerning Summons of Wakening.

At Edinburgh, the sixth day of November, One thousand six hundred eighty nine years.



He Lords of Council and Session Considering, the Expence that must arise by Summons of Wakening of the whole Proceses depending before the Lords, and the Executions thereof through all the Corners of the Kingdom, if the ordinary Form of Wakenings were necessary to be observed in this extraordinary Case; And withal Considering, that the Lords in extraordinary Cases, have allowed Edictal Citations at the Mercat-Crosses, Do therefore, for the ease of the Liedges, appoint the Keeper of the Signet to Expede three Summons of Wakening, for each Shire of the Kingdom, leaving a large blank, for inserting Proceses chetein; And Do hereby Ordain the Sheriff Clerks of each Shire, and the Clerks of the Stewarries of *Kirkcubright* and *Orkney*, and in case of their absence, or neglect, the Town Clerks of the Head-Burghs of the saids Shires and Stewarries, to insert all Proceses whereof he shall receive a Note before the second Mercat-day, after the saids blank Summons comes to his hand; and that he cause Cite all Persons, and Parties Residing within that Shire, or Stewarrie, upon six days, to appear before the Lords, for Wakening of the saids Proceses, and that he cause Read the said Summons publickly at the Mercat-Cross, between ten and twelve on the said Mercat-Day, after three several Oyesses, and that he affix a Copy of the said Summons, so filled up upon the Cross, and that he return the said Summons with Executions several, and particular, for each Processe insert therein, with all possible Diligence, to one of the principal Clerks of Session; And that he make the like Citation upon the second blank Summons, sent to him upon the next Mercat-day, in manner foresaid, for all the Proceses, whereof he shall receive a Note for the second before the said Mercat-day; and that he do the like on the next Mercat-day thereafter, as to the third Summons sent to him, and that he cause the Executor Signall the several Executions, with the Witnesses that he imployes therein, *respectively*; Providing always that he receive six shilling *Scots* with each Note of the Proceses, to be insert as aforesaid, for doing the Duties above-written, and for returning the Proceses to the Clerks. It is hereby Declared, that this is without prejudice to any party that pleases to make use of Wakenings in the ordinary Form, and that it is only to be extended to such Proceses as were not Sleeping the first of *November* 1688. and since that time have not been Called through the Surcease of Justice; and that there is no necessity to Waken concluded Causes, the same having never been in use to be Wakened, which the Lords will Advise, and proceed in according to the Books of Inrolment. Likewise, the Lords appoint the Pursuers, who have benefit by this Order, to have their several Executions delivered to them by the Clerks of Session; And appoints them to present Copies of the said General Summons, to be formed by the Writers, and pass the Signet, as is usual in taking Summons off the Signet. And it is hereby Declared, that where Summons were formerly Execute for the first Dyet, and the second Citation not given, that in that case a new Summons may be Raised in Name of Their Majesties, King *William* and Queen *Mary*, which shall suffice in place of a second Citation; And if the Summons have been Execute for both Dyets, but not Called, that the same may be Wakened in the same manner, as is appointed by this Act for Summons, which have been Called. And Ordains this Act to be Printed, and Published by Macers, or Messengers at Arms, at the Mercat-Cross of *Edinburgh*; And appoints the several Sheriff-Clerks to cause publish the same at the Mercat-Cross of the Head-Burgh of the shire, upon the next Mercat-day, after the same shall come to their hands, betwixt ten and twelve a Clock in the forenoon. Extracted out of the Books of Sederunt, by me

Alexander Gibson, Cls.

God save King *William* and Queen *Mary*.

Edinburgh, Printed by the Heir of Andrew Anderson, by Order of the Lords of Council and Session, 1689.